

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK CLARK,

Plaintiff,

v.

BRIAN ZBOROVANCIK, ADAM CLARK,  
MICAH EL HOUSER, DAN CARO, JIM  
BURCHICK, LOGAN FLEEGLE, JOHN  
DOE-HOOVER, MATTHEW FOSTER,  
TYLER MISHLER, CHAD MCCUSTER,  
DANNY WALSH, R.J. BROWN, JOHN  
DOE-SYDNEY, AND JOHN TILLER,

Defendants.

3:23-CV-00041-CCW-KT

**ORDER**

This case has been referred to United States Magistrate Judge Kezia O. L. Taylor for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On November 13, 2024, the Magistrate Judge issued a Report (the “R&R”), ECF No. 85, recommending that Defendants’ Motion for Summary Judgment, ECF No. 57, be granted in part and denied in part. Service of the R&R was made on the parties, and no objections were filed.

After a review of the pleadings and documents in the case, together with the R&R, it is hereby ORDERED that Defendants’ Motion for Summary Judgment, ECF No. 57, is resolved as follows:

Summary judgment is GRANTED in favor of Defendants as to:

1. Plaintiff's official capacity claims against Defendants Houser, Caro, Feegle, Foster, and Tiller;
2. Plaintiff's retaliation claim as to Defendants Foster and Mishler;
3. Plaintiff's failure to protect/failure to intervene claim against Defendants Clark, Burchick, Fleegle, Hoover, Sydney, Houser, Caro and Tiller;
4. Plaintiff's May 10, 2022 excessive force claim against Defendants Walsh, McCusker, and Foster; and
5. Plaintiff's negligence, intentional infliction of emotional distress, and negligent infliction of emotional distress claims against Defendants Zborovancik, Clark, Burchick, Fleegle, Hoover, Foster, Mishler, McCusker, Walsh, Brown and Sydney.

Summary judgment is DENIED as to:

1. Plaintiff's conditions of confinement claim against Defendants Foster and Mishler;
2. Plaintiff's May 10, 2022 excessive force claim, related to the incident in the triage room, against Defendants Mishler and Brown; and
3. Plaintiff's July 2, 2022 excessive force claim against Defendants Hoover, Zborovancik, Burchick, Clark, and Fleegle.

The R&R, ECF No. 85, is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

DATED this 4th day of March, 2025.

BY THE COURT:

/s/ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via US mail):

Mark Clark

*Pro se*

QP 3782

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